

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

THIS DOCUMENT RELATES TO
ASTRAZENECA CLASS 1

Master Civil No. 01-cv-12257

MDL No. 1456

Judge Patti B. Saris

**[PROPOSED] ORDER GRANTING CLASS COUNSEL’S
MOTION TO DISTRIBUTE REMAINING ASTRAZENECA CLASS 1
SETTLEMENT FUNDS TO *CY PRES* RECIPIENTS**

This Court has reviewed Class Counsel’s Motion to Distribute Remaining AstraZeneca Class 1 Settlement Funds to *Cy Pres* Recipients and the accompanying Exhibits thereto.

This Court FINDS that Class Counsel have taken all reasonable steps to locate all claimants or their next of kin, including through the use of an in-house investigator, resulting in \$19,286,707.23 being paid to claimants.

The Court FINDS that 237 individual claimants have received checks but have not cashed those checks, and that Class Counsel have taken all reasonable steps to cause claimants to cash their checks.

The Court FINDS that it is in the interests of the Class to order the distribution of all remaining and unclaimed or uncashed funds to *cy pres* recipients.

The Court hereby FINDS that pursuant to the Settlement Agreement [Dkt Nos. 4227 and 5774], the American Cancer Society is a “charitable organization[] funding cancer research or patient care” to which Class Counsel and AstraZeneca have agreed to distribute the remaining

Settlement funds. The Court likewise FINDS that the purposes for which the American Cancer Society seeks to use the Settlement funds are consistent with the Settlement Agreement.

The Court therefore GRANTS Class Counsel's Motion and hereby ORDERS that the remaining Settlement funds SHALL be distributed to the American Cancer Society with instructions for the funds to be used as follows, consistent with the proposal submitted by the American Cancer Society, attached as Exhibits B-D to Class Counsel's Motion:

1. \$500,000 for the Health Insurance Assistance Service ("HIAS") to expand its services designed to help cancer patients navigate insurance issues;
2. \$200,000 for Man to Man, a nationwide prostate education program, to update its Internet materials designed to assist prostate cancer patients and to develop materials for its Let's Talk About It program; and
3. The remaining amount to solicit participants for the Cancer Prevention Study 3.
4. As soon as practicable, Class Counsel shall provide the Court with a status report regarding the final distribution of the remaining Settlement funds.
5. Following the final distribution to *cy pres*, any and all claims regarding the Class 1 Settlement will be extinguished and neither AstraZeneca, Class Counsel or the Claims Administrator shall have any liability for any subsequent claims asserted by Class Members who either have not been located or who have not cashed checks that have been issued to them.

DATED: this ____ day of _____, 2011.

Hon. Patti B. Saris
United States District Court Judge